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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,944	02/06/2004	Pai Yung Lin	466ABG	8631

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EXAMINER

BALSIS, SHAY L

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/774,944

Applicant(s)

LIN, PAI YUNG

Examiner

Shay L Balsis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/6/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 10, 11 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 states that the "cover fabric layer includes a length greater than that of said cover fabric layer." Examiner is confused since applicant is claiming that an element (cover fabric layer) is longer than the same element (cover fabric layer). Examiner believes that applicant meant to claim that the "cover fabric layer includes a length greater than that of said outer fabric layer." Please correct as necessary.

Claim 11 recites the limitation "said at least one pocket" in lines 3-4. There is insufficient antecedent basis for this limitation in the claim. Examiner believes that the applicant meant to have claim 11 dependent from claim 4, instead of claim 1. Please correct as necessary.

Claim 15 recites the limitation "said retaining means" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim. Examiner believes that the applicant meant to have claim 15 dependent from claim 14, instead of claim 13. Please correct as necessary.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-5, 10-12 are rejected under 35 U.S.C. 102(a) as being anticipated by Tanaka et al. (USPN 6813801).

With regards to claim 1, Tanaka teaches a cleaning device comprising a cleansing cloth (figure 3, element 1) and a handle (figure 3, element 21) attached to the cleansing cloth to carry and operate the cleansing cloth. The cleansing cloth includes a base fabric layer (figure 6, elements 2 and 15), a cover fabric layer (figure 6, element 5) and a plurality of fibers (figure 6, elements 3, 4, 6) disposed between and secured between the base and the cover fabric layers (col. 9, lines 13-17).

With regards to claim 2, the base fabric layer includes at least one side having a plurality of strips (figure 6, element 17) formed therein (col. 9, lines 20-22).

With regards to claim 3, the cover fabric layer includes at least one side having a plurality of strips formed therein (col. 9, lines 40-43).

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With regards to claim 4, there is further an outer fabric layer (element 8) attached onto the cover fabric layer and secured to form at least one pocket (element 20) to receive the handle (col. 9, lines 44-47).

With regards to claim 5, the cleansing cloth includes two welding portions (figure 6, element 13) provided on the outer fabric layer and the cover fabric layer to secure the outer and cover fabric layer together and to form at least one pocket (col. 9, lines 27-34). There is a second welding portion (element 7) arranged between the two welding portions to separate the pocket into two pockets.

With regards to claim 10, and how the examiner is interpreting the claim as stated above, the cover fabric layer (element 5) is longer than the outer fabric layer (element 8).

With regards to claim 11, the handle includes a fork (figure 3, element 22) having two arms engageable into the pocket of the cleansing cloth.

With regards to claim 12, the handle includes at least one projection (figure 3, element 22a) on each arm of the handle to frictionally engage the cleansing cloth.

5. Claims 1-5, 9-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Tanaka (PBPub 2004/0016074).

With regards to claim 1, Tanaka teaches a cleaning device comprising a cleansing cloth (figure 1, element 10) and a handle (figure 1, element 21) attached to the cleansing cloth to carry and operate the cleansing cloth. The cleansing cloth includes a base fabric layer (figure 2, element 2), a cover fabric layer (figure 1, element 1) and a plurality of fibers (figure 2, elements 3, 4) disposed between and secured between the base and the cover fabric layers (page 3, paragraphs [0043-0048]).

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With regards to claim 2, the base fabric layer includes at least one side having a plurality of strips (figure 1, element 12) formed therein ([0045]).

With regards to claim 3, the cover fabric layer includes at least one side having a plurality of strips (figure 2, element 14) formed therein ([0046]).

With regards to claim 4, there is further an outer fabric layer (element 5) attached onto the cover fabric layer and secured to form at least one pocket (element 20) to receive the handle ([0048]).

With regards to claim 5, the cleansing cloth includes two welding portions (figure 1, element 8) provided on the outer fabric layer and the cover fabric layer to secure the outer and cover fabric layer together and to form at least one pocket. There is a second welding portion (element 7) arranged between the two welding portions to separate the pocket into two pockets.

With regards to claim 9, the cleansing cloth includes one end having a welding portion provided thereon, to form a closed end for the pocket (figure 4, element 44).

With regards to claim 10, and how the examiner is interpreting the claim as stated above, the cover fabric layer (element 1) is longer than the outer fabric layer (element 5).

With regards to claim 11, the handle includes a fork (figure 1, element 22) having two arms engageable into the pocket of the cleansing cloth.

With regards to claim 12, the handle includes at least one projection (figure 1, element 24) on each arm of the handle to frictionally engage the cleansing cloth.

6. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Hayden (USPN 823725).

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With regards to claim 1, Hayden teaches a cleaning device comprising a cleansing cloth (figure 1, element C) and a handle (figure 1, element A) attached to the cleansing cloth to carry and operate the cleansing cloth. The cleansing cloth includes a base fabric layer (figure 3, upper element c), a cover fabric layer (figure 1, lower element c) and a plurality of fibers (figure 3, element f) disposed between and secured between the base and the cover fabric layers.

With regards to claim 2, the base fabric layer includes at least one side having a plurality of strips (figure 1) formed therein.

With regards to claim 3, the cover fabric layer includes at least one side having a plurality of strips (figure 1) formed therein.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka et al. (USPN 6813801) in view of O'Brien (USPN 1922450).

Tanaka teaches all the essential elements of the claimed invention as stated above however fails to teach that two second welding portions are provided on the outer and cover fabric layers. Tanaka also fails to teach a cut line partially formed between the second welding portions to allow the pockets to be separated.

O'Brien teaches a cleaning device comprising a cleaning cloth (figure 1, element 4) and a handle (figure 1, element 5). The handle includes a fork (figure 1, element 3) having two arms

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engageable with the cleaning cloth. The cleaning cloth is split or cut (figure 1, element 7) in a location between the two arms of the handle. The slit is done by bifurcating or splitting the fibers that couple the cloth together in one piece.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to split the material between the arms of the handle on Tanaka's invention so that the cleansing cloth can clean on or around thin rods or poles. In order for this splitting to occur on Tanaka's invention the second welding portions must comprise two separate welding portions so that when the cut is made, there are still two complete pockets. Therefore it would have been obvious to one of ordinary skill in the art to have two second welding portions located between the other welding portions so that when cut, the two pockets will remain in fully tact and the arms of the handle will be secure within each pocket.

8. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka (PGPub 2004/0016074) in view of O'Brien (USPN 1922450).

Tanaka teaches all the essential elements of the claimed invention as stated above however fails to teach that two second welding portions are provided on the outer and cover fabric layers. Tanaka also fails to teach a cut line partially formed between the second welding portions to allow the pockets to be separated.

O'Brien teaches a cleaning device comprising a cleaning cloth (figure 1, element 4) and a handle (figure 1, element 5). The handle includes a fork (figure 1, element 3) having two arms engageable with the cleaning cloth. The cleaning cloth is split or cut (figure 1, element 7) in a location between the two arms of the handle. The slit is done by bifurcating or splitting the fibers that couple the cloth together in one piece.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to split the material between the arms of the handle on Tanaka's invention so that the cleansing cloth can clean on or around thin rods or poles. In order for this splitting to occur on Tanaka's invention the second welding portions must comprise two separate welding portions so that when the cut is made, there are still two complete pockets. Therefore it would have been obvious to one of ordinary skill in the art to have two second welding portions located between the other welding portions so that when cut, the two pockets will remain in fully tact and the arms of the handle will be secure within each pocket.

9. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka et al. (USPN 6813801) in view of Owen et al. (USPN 4116205).

Tanaka teaches all the essential elements of the claimed invention however fails to teach that the handle includes a hand grip that is pivotally attached to the fork.

Owen teaches a foldable hairbrush comprising a handle having a hand grip (figure 2, element 12) and a brushing portion (figure 2, element 15). The hand grip is pivotally (figure 7, elements 79, 81) attached to the brushing portion. There is further a means for retaining the hand grip (figure 7, elements 83, 85) in an outwardly extending position. The means for retaining comprise a notch formed in the brush portion and a catch formed in the hand grip. It would have been obvious to one of ordinary skill in the art at the time the invention was made to reverse the location of the notch and the catch so that the catch was on the brush portion and the notch was on the hand grip since reversing parts is a modification that is considered to be within the level of ordinary skill in the art to follow. *In re Gazda* (104 USPQ 400, 402).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the handle of Tanaka pivot as taught by Owen so that the cleaning device can be compacted and stored without taking up a lot of space.

10. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka (PGPub 2004/0016074) in view of Owen et al. (USPN 4116205).

Tanaka teaches all the essential elements of the claimed invention however fails to teach that the handle includes a hand grip that is pivotally attached to the fork.

Owen teaches a foldable hairbrush comprising a handle having a hand grip (figure 2, element 12) and a brushing portion (figure 2, element 15). The hand grip is pivotally (figure 7, elements 79, 81) attached to the brushing portion. There is further a means for retaining the hand grip (figure 7, elements 83, 85) in an outwardly extending position. The means for retaining comprise a notch formed in the brush portion and a catch formed in the hand grip. It would have been obvious to one of ordinary skill in the art at the time the invention was made to reverse the location of the notch and the catch so that the catch was on the brush portion and the notch was on the hand grip since reversing parts is a modification that is considered to be within the level of ordinary skill in the art to follow. *In re Gazda* (104 USPQ 400, 402).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the handle of Tanaka pivot as taught by Owen so that the cleaning device can be compacted and stored without taking up a lot of space.

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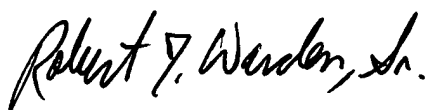
Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shay L Balsis whose telephone number is 571-272-1268. The examiner can normally be reached on 7:30-5:00 M-Th, alternating F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Kim can be reached on 571-272-1142. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Slb
3/15/05


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